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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,710	04/11/2000	Sam Johnson	9727.99239(12GO01.CIP)	4653

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EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/547,710

Applicant(s)

JOHNSON ET AL.

Examiner

TAMMY T. NGUYEN

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 17, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 99-118 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 99-118 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____



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Detailed Office Action

1. This action is responsive to the amendment filed on December 17, 2007.
2. Claims 99-118 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 99-103, 110-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al., (hereinafter Logan) U.S. Patent No. 5,732,216 in view of (hereinafter Fish) Publication No. US 2003/0040293 A1.
5. As to claim 99, Logan teaches the invention as claimed, Logan disclose including a method for obtaining, delivering and presenting information content on a player device, the method comprising the steps of: receiving user information associated with content to be obtained in the form of a content item[see Logan, col. 1, lines 50-

55, and col. 5, lines 33-55] (*The user data 143 further contains additional data describing the preferences, demographic characteristics and program selections unique to each subscriber which is developed largely from user-supplied data obtained when users submit HTML form data via the Internet*); obtaining content programming information by conducting a search based at least in part on the user information [see Logan, col. 7, lines 16-25, col. 8, lines 49-60, and col. 18, lines 22-40] (*search request form which may be of particular interest to the subscriber*), the obtained content programming information identifying a source for the content item and a time at which the content item is available [see Logan, col. 18, lines 17-22]; enabling the reception by the player device of the content item by accessing the identified source at the identified time [see Logan col. 7, line 40 to col. 8, line 60]; storing the received content item [see Logan, col. 3, lines 23-40, and col. 5, lines 15-31] (*the data storage system being used for storing audio, text and image data*); receiving a request for presenting the content item [see Logan col. 5, lines 45-55, and col. 7, lines 9-35] (*the host server 101 transmits a download compilation file upon receiving a request from the player 103*); and presenting the content item on the player device [see Logan col. 7, lines 51-67] (*at the request of user, the sequence of programming define by the program sequence file is then reproduced of the listener*). But Logan does not explicitly disclose player device and identified source and identified time.

6. In the same field of endeavor, Fish discloses (e.g., entertainment device having a content library and adaptive content selection). Fish discloses player device and

identified source and identified time (identify audio segments), [see paragraph 0028, 0045].

7. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fish's teachings of entertainment device having a content library and adaptive content selection with the teachings of Logan, for the purpose of provides access to the content of the unselected one of the at least two receivers stored in memory at the rate greater than the normal data rate [see figure 1, paragraph 0011].
8. As to claim 100, Logan teaches the method of claim 99, wherein the step of receiving a request for presenting the at least one content item further comprises the step of receiving a playback list that identifies one or more content items to be presented [see Logan col. 10, lines 15-37, and col. 11, lines 35-57].
9. As to claim 101, Logan teaches the method of claim 100, further comprising the steps of: generating a unique identifier for each content item [see Logan col. 31, lines 40-56] (*uniquely identified to enable the player to skip over, or skip to*); and tagging each content item delivered in the step of enabling the reception of the at least one content item with a unique identifier [see col.14, lines 13-23, and col. 29, line 65 to col. 30, line 10].
10. As to claim 102, Logan teaches the method of claim 101, wherein during the presentation of a content item, further comprising the steps of: receiving an actuation signal [see Logan, col.13, lines 23-37] (*predetermined program segment associated*

with that command signal); and identifying the unique identifier of the content item being presented [see Logan col. 31, lines 40-56].

11. As to claim 103, Logan teaches the method of claim 102, wherein the step of identifying the unique identifier [see Logan col.31, lines 45-51] further comprises receiving the unique identifier in response to the actuation signal [see Logan col. 13, lines 22-37].
12. As to claim 104, Logan teaches the method of claim 103, wherein the step of receiving the unique identifier further comprises receiving a time stamp identifying a particular location within the presentation of the content item [see Logan, col.7, lines 50-67].
13. As to claim 110, Logan teaches the invention as claimed, Logan discloses including a system for obtaining, delivering and presenting information content, the system comprising: a content server [see fig.1 of Logan 101] comprising:
 - an interface to one or more information content sources [see Logan, Col. 4, lines 40-54];
 - a playback device interface [see Logan, Col. 4, lines 40-67 and Col. 5, lines 1-62];
 - and a server application operating on the content server and enabling the content server to be operative to:
 - receive user information associated with a playback device [see Logan, Col. 5, lines 33-45];
 - obtain content programming information from the one or more information content sources by conducting a search based at least in part on the user information,
 - the content programming information identifying a channel and a time for at least one

content item [see Logan col. 7, line 40 to col. 8, line 60]; deliver the content programming information to the associated playback device via the playback device interface [see Logan, Col. 7, lines 20-30];

the associated playback device comprising: a memory storage unit [see Logan col. 6, lines 9-26]; an information content source interface including a tunable receiver; a mobile-content server interface; a presentation output [see Logan col. 4, lines 53-58]; a processing unit coupled to the memory storage unit [see fig. 1 of Logan], the mobile-content server interface, the audio output and the information content source interface [see Logan col. 2, lines 31-46], the processing unit, in response to instructions stored in the memory storage unit, being operative to:

enable the information content source interface in accordance with the content programming information by tuning the tunable receiver to a channel associated with the information content source identifier at the identified time [see Logan, col. 7, lines 16-25, col. 8, lines 49-60, and col. 18, lines 22-40] (*search request form which may be of particular interest to the subscriber*);

receive information content transmitted from an information content source via the information content source interface [see Logan, Col. 6, lines 6, lines 9-26, Col. 17, lines 42-61]; and

provide the information content to the presentation output [see Logan col. 5, lines 45-62]; However, Logan does not explicitly disclose a user actuator; detecting an actuation of the user actuator; identify content that is actively being presented at the

output at the time of the actuation; and send a signal to the content server identifying the content and the actuation of the actuator.

14. In the same field of endeavor, Fish discloses (e.g., entertainment device having a content library and adaptive content selection). Fish discloses a user actuator; detecting an actuation of the user actuator; identify content that is actively being presented at the output at the time of the actuation; and send a signal to the content server identifying the content and the actuation of the actuator [see figure 1, abstract, and paragraphs 0007, 0028, 0045].
15. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fish's teachings of entertainment device having a content library and adaptive content selection with the teachings of Logan, for the purpose of provides access to the content of the unselected one of the at least two receivers stored in memory at the rate greater than the normal data rate [see Fish, paragraph 0011].
16. As to claim 111, Logan teaches the method of claim 110, wherein the processing unit is further operative to store the content [see Logan col. 6, lines 9-26].
17. As to claim 112, Logan teaches the invention as claimed, Logan discloses including a system for obtaining, delivering and presenting information content, the system comprising:

one or more content sources; a content server [see fig. 1 of Logan 101]; and a content playback device [see fig. 1 of Logan 103]; the content server being operable to:

receive user information entered on the playback device and received from the

playback device [see Logan, col. 6, lines 9-26] (*usage data in the store 109 maintained by the player 103*);

obtain content programming information from a content source by conducting a search based at least in part on the received user information, the content programming information identifying a channel and a time for a at least one of content item [see Logan, col.7, lines 16-25, col.8, lines 49-60, and col. 18, lines 22-40] (*search request form which may be of particular interest to the subscriber*); and obtain one or more content items from the content source by tuning to the identified channels at the identified times [see Logan, col.18, lines 17-22];

receive a playlist identifying at least one content item and being associated with the playback device [see col. 11, lines 4-67]; and deliver the content items to the playback device in accordance with a playlist [see Logan col. 7, lines 50-67]; the playback device being operable receive the content items [see Logan col. 4, lines 40-67]; present the content items to a user interface [see Logan col. 4, lines 4-16];

However, Logan does not explicitly disclose receiving a actuation signal while content items are being presented; identifying the content item and the portion of the content item that was being presented on the user interface at the time of receiving the actuation signal; performing a function based on the timing of the actuation signal, the function including sending an email message to the user associated with the content being presented, wherein if the content is an advertisement, the email includes information about making a purchase.

18. In the same field of endeavor, Fish discloses (e.g., entertainment device having a content library and adaptive content selection). Fish discloses receiving a actuation signal while content items are being presented; identifying the content item and the portion of the content item that was being presented on the user interface at the time of receiving the actuation signal; performing a function based on the timing of the actuation signal, the function including sending an email message to the user, associated with the content being presented, wherein if the content is an advertisement, the email includes information about making a purchase [see figure 1, abstract, and paragraphs 0007, 0028, 0045].
19. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fish's teachings of entertainment device having a content library and adaptive content selection with the teachings of Logan, for the purpose of provides access to the content of the unselected one of the at least two receivers stored in memory at the rate greater than the normal data rate [see Fish, paragraph 0011].
20. As to claim 113, Logan teaches the method of claim 112, wherein the content sources are operable to:

generate a unique identifier for each content item [see Logan col. 31, lines 40-56];

and tag each content item obtained by the content server with the unique identifier [see col.14, lines 13-23, and col. 29, line 65 to col. 30, line 10].
21. As to claim 114, Logan teaches the method of claim 113, wherein the playback device includes an interact button, which when actuated during the presentation of a

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content item will result in a signal being sent to the content server [see Logan col. 2, lines 21-52, and col. 5, lines 15-31].

22. As to claim 115, Logan teaches the method of claim 114, wherein the signal includes the unique identifier [see Logan col. 31, lines 40-56].

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 104-109, and 116-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al., (hereinafter Logan) U.S. Patent No. 5,732,216 in view of (hereinafter Fish) Publication No. US 2003/0040293 A1, and further in view of Hooks et al., (hereinafter Hooks) U.S. Patent No. 6,169,542.
25. As to claim 105, Logan teaches the method of claim 104, wherein for at least one content item, further comprising the steps of: based on the received time stamp, identifying which sub-segment was actively being presented when the actuation signal was received [see Logan col. 13, lines 22-37]. However, Logan does not explicitly disclose including a plurality of content item logically dividing the content

item into sub-segment and performing a function based on which sub-segment was active.

In the same field of endeavor, Hooks discloses (e.g., method of delivering advertising through an interactive video distribution system). Hooks discloses at least one of the plurality of content item logically dividing the content item into sub-segment, and performing a function based on which sub-segment was active (Hooks teaches menu items associated with advertisements) [see Hooks, Figures 3 and 8 and 9, Col. 5, lines 18-50, Col. 9, lines 25-43], (The Examiner is utilizing Applicant's specification as a guide for interpreting the claim limitation, see page 33, lines 7-10).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Hooks' teachings of a method of delivering advertising through an interactive video distribution system with the teachings of Logan, for the purpose of effectively delivering advertising to viewers [see Hooks, Col. 2, lines 25-35].

26. As to claim 106, Logan teaches the method of claim 105, further comprising the step of appending one or more advertisement content items to each content item delivered in the enabling the reception of the at least one content item step [see Logan col. 42, line 65 to col. 42, line 5].
27. As to claim 107, Logan teaches the method of claim 106, wherein the step of, if the actuation signal is received during the request for information of the advertisement, providing further information associated with the advertisement [see Logan col. 13, lines 22-37]; and

if the actuation signal is received during the request for purchase, initiating a transaction for a purchase associated with the advertisement [see Logan col. 10, lines 3-36]. However, Logan does not explicitly disclose including a plurality of content item logically dividing the content item into sub-segment and defining one sub-segment as a request for information sub-segment.

In the same field of endeavor, Hooks discloses (e.g., method of delivering advertising through an interactive video distribution system). Hooks discloses at least one of the plurality of content item logically dividing the content item into sub-segment, and defining one sub-segment as a request for information sub-segment (Hooks teaches menu items associated with advertisements) [see Hooks, Figures 3 and 8 and 9, Col. 5, lines 18-50, Col. 9, lines 25-43], (The Examiner is utilizing Applicant's specification as a guide for interpreting the claim limitation, see page 33, lines 7-10).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Hooks' teachings of a method of delivering advertising through an interactive video distribution system with the teachings of Logan, for the purpose of effectively delivering advertising to viewers [see Hooks, Col. 2, lines 25-35].

28. As to claim 108, Logan teaches the method of claim 107, wherein the step of providing further information further comprises sending an email message to a user associated with the content being presented [see Logan col. 15, lines 9-22].

29. As to claim 109, Logan teaches the method of claim 108, further comprising the steps of: receiving user profile information identifying a preferred mode for conducting transactions [see Logan col. 8, lines 28-47]; and the step of initiating a transaction further comprises initiating a transaction in accordance with the preferred mode [see Logan col. 12, lines 20-49].
30. As to claim 116, Logan teaches the method of claim 115, wherein at least one content item is uniquely identifier [see Logan col. 31, lines 40-57]. However Logan does not explicitly disclose at least one content item logically divided into sub-segments with each sub-segment having a unique identifier.

In the same field of endeavor, Hooks discloses (e.g., method of delivering advertising through an interactive video distribution system). Hooks discloses at least one of plurality of content item logically dividing the content item into sub-segment (Hooks teaches menu items associated with advertisements) [see Hooks, Figures 3 and 8 and 9, Col. 5, lines 18-50, Col. 9, lines 25-43], (The Examiner is utilizing Applicant's specification as a guide for interpreting the claim limitation, see page 33, lines 7-10).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Hooks' teachings of a method of delivering advertising through an interactive video distribution system with the teachings of Logan, for the purpose of effectively delivering advertising to viewers [see Hooks, Col. 2, lines 25-35].

31. As to claim 117, Logan teaches the method of claim 116, wherein the signal includes the unique identifier for the content item being presented and the content segment that is active when the interact button is actuated [see Logan col. 2, lines 21-52, and col. 5, lines 15-31].
32. As to claim 118, Logan teaches the method of claim 115 the signal identifies the unique identifier and the content sub-segment that was active when the interact button was actuated [see Logan col. 13, lines 22-37, and col. 5, lines 15-30]. However, Logan does not explicitly disclose including a plurality of content item logically dividing the content item into sub-segment.

In the same field of endeavor, Hooks discloses (e.g., method of delivering advertising through an interactive video distribution system). Hooks discloses at least one of plurality of content item logically dividing the content item into sub-segment (Hooks teaches menu items associated with advertisements) [see Hooks, Figures 3 and 8 and 9, Col. 5, lines 18-50, Col. 9, lines 25-43], (The Examiner is utilizing Applicant's specification as a guide for interpreting the claim limitation, see page 33, lines 7-10).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Hooks' teachings of a method of delivering advertising through an interactive video distribution system with the teachings of Logan, for the purpose of effectively delivering advertising to viewers [see Hooks, Col. 2, lines 25-35].

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
34. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272- 3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **William Vaughn** can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



February 19, 2008

Anthony
Primary Examiner